IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 23RD FEBRUARY 2007 / 4TH PHALGUNA 1928

WP(C).No. 6162 of 2007(H)

PETITIONER:

SMT. MALLIKA, W/O. PRASAD,
KOLLAMTHUNDIYIL, UTHRANIVAS, UDAYAMPEROOR,
KOCHI-682 307.

BY ADV. SRI.GEORGE C.VARGHESE
SRI.E.A.THANKAPPAN

RESPONDENTS:

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1. UDAYAMPEROOR GRAMA PANCHAYAT,
UDAYAMPEROOR, KOCHI-682 307, REPRESENTED BY ITS SECRETARY.

2. SHRI PRASAD,
PRESIDENT, UDAYAMPEROOR GRAMA PANCHAYAT,
UDAYAMPEROOR, KOCHI-682 307.

3. SRI.KISHORE, S/O. KARTHIKEYAN,
THEKKEVELIYIL, NADAKKAVU P.O., KOCHI-682 307.

4. THE SECRETARY,
UDAYAMPEROOR GRAMA PANCHAYAT,
UDAYAMPEROOR, KOCHI-682 307.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 6162 OF 2007

Dated this the 23rd day of February, 2007

JUDGMENT

In the nature of the contentions that are likely to crop up the petitioner may have to seek his remedy from a regular Civil Court. In fact he moved the Civil Court, but his suit was rejected at the threshold itself for want of notice under Section 249 of the Panchayat Raj Act. Sri.George C. Varghese, counsel for the petitioner assets that as of now the compound wall of the petitioner remains intact. I accept the above submission and dispose of the Writ Petition directing respondents 1 to 4 and all persons acting under them to maintain the status quo as it obtains today in respect of the petitioner's property in Survey No.85/9 B6, B5 and B4 of Manakulam Village including its compound wall for a period of 40 days. It is open to the petitioner to issue notice to the Panchayat and file suit once notice period is over, and seek for appropriate further orders.

PIUS C. KURIAKOSE, JUDGE

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